

Notice of Allowability

Application No.

10/522,363

Applicant(s)

PELCHEN ET AL.

Examiner

Justin K. Holmes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/5/07.
2. ☒ The allowed claim(s) is/are 14-17, 19, 20 and 23-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott A. Daniels, Esq. on April 6, 2007 at 9:45 am EST.

The application has been amended as follows:

In the claims:

In claim 14, line 10, after the word "speed;" the following language has been added

--wherein a rotation speed (n_{mot}) of the drive engine is changed toward a connection speed (n_{mot_a}) of a ratio to be produced in the multi-range transmission, at which the shift element of the range transfer box to be engaged is synchronized;--.

Claim 18 has been cancelled;

In claim 19, line 1, the number "18" has been replaced with the number --14--;

In claim 20, line 1, the number "18" has been replaced with the number --14--.

The amendment to claim 14 was done to incorporate the language of original claim 18 which was an intervening dependent claim between original claims 14, 21 and 22. Accordingly, claim 18 has been cancelled and the dependency of claims 19 and 20 have been corrected.

Claims 14-17, 19, 20 and 23-29 are currently pending.

Claim Rejections - 35 USC § 112

2. The rejection of claims 14-17, 19, 20 and 23-26 under 35 USC 112, second paragraph as set forth in the Office Action dated November 7, 2006 is withdrawn in view of the amendment to the claims.

Allowable Subject Matter

3. Claims 14-17, 19, 20 and 23-29 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art of record does not render obvious a drivetrain having an automatic transmission and a range transfer box, and when the range of the transfer box is changed, a first shift element of the range transfer box is synchronized by controlling shift elements of the automatic transmission, wherein a rotation speed of the drive engine is changed toward a connection speed of a ratio to be produced in the multi-range transmission, at which the shift element of the range transfer box to be engaged is synchronized; and reducing a transmitting capability of shift elements of the automatic transmission in order to adjust the connection speed of the engine and when the connection speed of the drive engine is established, causing the transmitting capability of the shift elements of the automatic transmission to be disengaged, while operating shift elements to be engaged of a ratio in the automatic transmission in a slipping condition and the remaining structure of claim 14.

The prior art does not render obvious a method for controlling a drivetrain by synchronizing a first shift element of the range transfer box that is to be engaged by controlling shift elements of the automatic transmission, such that a range change in the

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range transfer box can be carried out at any vehicle speed; and maintaining a first transmission ratio at substantially the same value as a second transmission ratio during the range change in the range transfer box between a high and a low range of the range transfer box and the remaining structure of claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin K. Holmes whose telephone number is (571) 272-5930. The examiner can normally be reached on 8:00am to 4:30pm Monday-Friday.

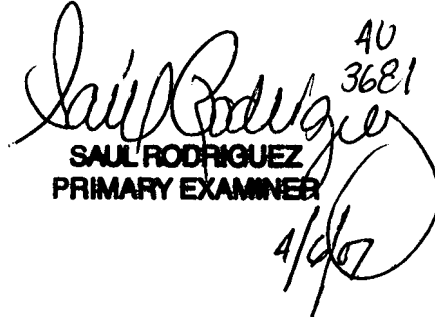
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKH
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SAUL RODRIGUEZ
PRIMARY EXAMINER
4/6/07